

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

FAIRMONT SPECIALTY INSURANCE )  
COMPANY, )  
                                  )  
Plaintiff, )  
                                  )  
                                  )  
v.                              ) Cause No. 2:10 CV 070  
                                  )  
1039012 ONTARIO, INC, d/b/a HUMMER )  
TRANSPORTATION, LTD., KIMBERLY )  
SPOA-HARTY, AND JESSE HARTY, )  
                                  )  
                                  )  
Defendants. )

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KIMBERLY SPOA-HARTY AND JESSE )  
HARTY, )  
                                  )  
Counter-claimants )  
                                  )  
v.                              )  
                                  )  
FAIRMONT SPECIALTY INSURANCE )  
COMPANY )  
                                  )  
Counter-Defendant )

**OPINION AND ORDER**

Before the court is Counter-Claimants' Kimberly Spoa-Harty and Jesse Harty's Motion for Summary Judgment as to Damages and Prejudgment Interest, which this court took under advisement in its Opinion and Order dated August 19, 2011 [DE 53]. The parties were directed to file additional briefs setting forth their respective positions as to the amount of damages and the propriety of awarding prejudgment interest. The Court also strongly encouraged the parties to attempt settlement of the remaining issues. The parties have now filed their respective briefs as

ordered but it has been represented in that briefing that they have not engaged in any settlement negotiations as encouraged. Therefore, the Harty's Motion for Summary Judgment as to prejudgment interest shall remain under advisement. The case shall be referred to Magistrate Judge Roger Cosby for an in-person settlement conference. Magistrate Judge Cosby will issue a separate order setting a time and date for that conference.

SO ORDERED. This 2<sup>nd</sup> day of November, 2011

s/ William C. Lee  
United States District Court